

Message Text

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ACTION NEA-16

INFO OCT-01 ISO-00 SCA-01 CPR-02 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

SP-03 SS-20 USIA-15 DRC-01 /095 W

----- 036016

R 261408Z JUN 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 2295

INFO AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

C O N F I D E N T I A L NEW DELHI 8516

E.O. 11652: GDS

TAGS: PFOR, OGEN, IN, US

SUBJECT: CALCUTTA CONSULAR DISTRICT

REF: NEW DELHI 7660 AND PREVIOUS

SUMMARY. DURING THE PAST SIX WEEKS WE HAVE BEEN GRADUALLY STEP-
PING UP THE LEVEL AND VOLUME OF OUR DISCUSSIONS WITH THE GOI OF
THE QUESTION OF THE CALCUTTA CONSULAR DISTRICT. WE HAVE, IF
ANYTHING, GONE BACKWARDS. BEFORE CONSIDERING RECOMMENDING THAT
THE AMBASSADOR TAKE THE MATTER UP AT A HIGHER LEVEL, WE AGAIN
ASK FOR THE DEPARTMENT'S ADVICE REGARDING WHAT WE SHOULD HAVE
REASON TO EXPECT UNDER INTERNATIONAL PRACTICE AND WHAT OUR OP-
TIONS MIGHT BE FOR ACTION IN THE EVENT THAT THE INDIANS STICK
TO THEIR RESTRICTIVE POLICY. END SUMMARY.

1. THE GOI IS STICKING TO ITS POSITION THAT IT CAN UNILATERALLY
AND WITHOUT CONSULTATION CUT BACK ON THE AREA INCLUDED IN THE
CONSULAR DISTRICTS OF CONSULAR REPRESENTATIVES OF FOREIGN GOVERN-
MENTS IN CALCUTTA. AS THE DEPARTMENT IS AWARE, FOLLOWING THE
ARRIVAL OF CONSUL GENERAL PICKERING IN CALCUTTA, THE GOI INFORMED
US OF THE STATES WHICH WOULD COMPRISE HIS CONSULAR DISTRICT,
LEAVING OUT THE LARGE AREA OF NORTHEASTERN INDIA COMPRISING ASSAM,
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MANIPUR, TRIPURA, MIZORAM, MEGHALAYA, ARUNACHAL PRADESH, AND

NAGALAND. ALTHOUGH LAST MARCH THE GOI HAD APPROVED A VISIT TO ASSAM BY THE CONSUL GENERAL AND HIS POLITICAL OFFICER, IN LATE MAY IT DISAPPROVED A REQUEST TO VISIT MANIPUR AND TRIPURA BY THOSE TWO OFFICERS BUT, INEXPLICABLY, APPROVED A VISIT BY AN EMBASSY OFFICER. (THE LATTER DECLINED THE OPPORTUNITY.) THE DCM TOOK UP BOTH THE GENERAL PROBLEM AND THE SPECIFIC CASE ON TWO OCCASIONS WITH JOINT SECRETARY FOR THE AMERICAS TEJA.

2. HE REPLIED BY MERELY REPEATING THE GOI POLICY BUT DEFERRED TO PROTOCOL IN REGARD TO THE EMBASSY'S PROPOSAL THAT THE GOI AGREE TO PERMIT THE EMBASSY TO DESIGNATE CONSULATE GENERAL OFFICERS TO REPRESENT IT ON MISSIONS TO THE FORBIDDEN TERRITORIES. THIS PROPOSAL, INCIDENTALLY, WAS MADE ON THE BASIS OF WHAT WE WERE GIVEN TO UNDERSTAND WAS A GOI POLICY WHICH WOULD PUT WITHIN EMBASSY JURISDICTION THAT TERRITORY NOT GIVEN TO CALCUTTA (PARA 4, NEW DELHI 1090).

3. THE CHARGE THEREFORE RAISED THE MATTER WITH CHIEF OF PROTOCOL CHHATWAL ON JUNE 25. HE SAID THAT WE FOUND THE INDIAN POLICY OF DENYING LARGE AREAS OF NORTHEASTERN INDIA TO THE CONSULATE GENERAL IN CALCUTTA BOTH RESTRICTIVE AND INCONVENIENT. HE SAID THAT NEVERTHELESS WE WERE PREPARED TO WORK WITHIN THIS NARROWING OF CALCUTTA'S JURISDICTION IF WE COULD OBTAIN SOME FORMAL RECOGNITION FROM THE GOI THAT THE EMBASSY COULD DESIGNATE CALCUTTA OFFICERS TO REPRESENT IT IN THE AREAS WHICH, BECAUSE OF THE NEW POLICY, WOULD FALL WITHIN THE EMBASSY'S JURISDICTION.

4. CHHATWAL REPLIED BY REVIEWING IN DETAIL THE GOI POLICY. CERTAIN AREAS IN INDIA, NOW ENTIRELY IN NORTHEASTERN INDIA BUT POSSIBLY ELSEWHERE IN THE FUTURE, ARE DESIGNATED AS "SECURITY" AREAS. IN DEFINING THE CONSULAR DISTRICTS OF NEWLY ARRIVING CHIEFS OF CONSULAR MISSIONS IN CALCUTTA, THE GOI IS OMITTING THESE "SECURITY" AREAS. THE NEW GOI POLICY WOULD APPLY EQUALLY TO EMBASSIES AND CONSULATES.

5. THE CHARGE SAID THAT WHILE WE RECOGNIZED FULLY THE GOI'S PRACTICE OF REQUIRING PERMISSION FOR TRAVEL ON THE PART OF FOREIGN GOVERNMENT REPRESENTATIVES TO CERTAIN SECURITY AREAS, IT APPEARED TO US THAT THE GOI WAS ADDING STILL ANOTHER RESTRICTION. CHHATWAL CONFIRMED THAT THIS WAS THE CASE. WHEN THE CHARGE

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SAID THAT THIS POLICY WAS RESTRICTIVE AND INCONVENIENT FOR FOREIGN GOVERNMENTS WITH CONSULAR FUNCTIONS TO PERFORM, CHHATWAL EXPLAINED THAT THE GOI INTENDED TO GRANT PERMISSION FOR SPECIAL EMERGENCY VISITS TO THE SECURITY AREAS ON A CASE-BY-CASE BASIS, E.G. WHEN A FOREIGN MISSIONARY NEEDED CONSULAR ASSISTANCE. THIS POLICY WOULD APPLY EQUALLY TO EMBASSIES AND CONSULATES. THE CHARGE ASKED IF UNDER THIS POLICY IT WOULD BE POSSIBLE FOR THE EMBASSY TO ASK PERMISSION FOR CONSULAR PERSONNEL FROM CALCUTTA

TO MAKE PERIODIC TOURS TO VISIT US CITIZENS AND, WHILE IN THE AREA, TO CALL ON STATE GOVERNMENT OFFICIALS. CHHATWAL SAID THAT THIS WAS NOT RPT NOT THE SORT OF VISIT WHICH THE GOI INTENDED TO APPROVE EITHER FOR CONSULATES OR EMBASSIES. HE SAID THAT THERE WOULD BE NO OCCASION FOR THE CONSULAR OFFICERS TO CALL ON STATE OFFICIALS SINCE THEIR CONSULAR DISTRICTS WOULD NOT INCLUDE THOSE STATES.

6. COMMENT: THIS POLICY IF STRICTLY IMPLEMENTED -- AND IT HAS NOT BEEN AS YET -- WOULD EFFECTIVELY EXCLUDE ALL USG PERSONNEL FROM A LARGE AREA OF INDIA AND LEAVE THE WAY OPEN FOR THE GOI UNILATERALLY TO EXPAND THAT AREA AT WILL. THE POLICY IS ALREADY HAVING THE PRACTICAL EFFECT OF SEVERELY LIMITING THE ABILITY OF CONSULATE GENERAL IN CALCUTTA TO PERFORM ITS ASSIGNED DUTIES. IF WE HAVE A LEGITIMATE BASIS FOR FURTHER COMPLAINT, WE INTEND TO RECOMMEND THAT THE AMBASSADOR, WHEN HE RETURNS FROM CONSULTATION, TAKE THE MATTER UP AT A HIGHER LEVEL. FIRST, HOWEVER, WE WOULD APPRECIATE THE DEPARTMENT'S FURTHER REVIEW OF INTERNATIONAL PRACTICE AS IT RELATES TO THIS GOI POLICY. WE WOULD ALSO LIKE TO BE INFORMED OF WHAT OPTIONS MIGHT BE OPEN TO US IN REGARD TO RESTRICTIONS ON INDIAN CONSULAR REPRESENTATIVES IN THE US IF THE GOI STICKS TO ITS POSITION. IN HIS CONVERSATION WITH CHHATWAL, THE CHARGE ALLUDED INDIRECTLY TO HOW A SIMILAR SITUATION MIGHT ARISE WITHIN THE US. CHHATWAL REPLIED THAT, OF COURSE, ANYTHING THE US MIGHT DO WOULD ALSO HAVE TO APPLY EQUALLY TO ALL FOREIGN REPRESENTATIVES, AS IT DID IN INDIA. THIS POINT WAS NOT PURSUED FURTHER BUT WE WOULD APPRECIATE CLARIFICATION IF NON-DISCRIMINATION OR BILATERAL RECIPROCITY WOULD GOVERN IN SUCH A CASE. (THE INDIANS DO NOT PRACTICE EQUALITY WITH RESPECT TO THE CHINESE TO WHOM RESTRICTIONS ARE APPLIED ON A BASIS OF BILATERAL RECIPROCITY.) IT SEEMS TO US MOST UNLIKELY THAT WE WOULD BE ABLE TO GATHER SUFFICIENT SUPPORT FROM OTHER COUNTRIES REPRESENTED IN CALCUTTA OR NEW DELHI TO DEAL WITH THIS ISSUE THROUGH A DIPLO-
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MATIC OR CONSULAR CORPS APPROACH.
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